

FTC-I-7

System name:

Office of Inspector General Investigative Files -- FTC.

Security classification:

Not applicable.

System location:

Federal Trade Commission, Sixth Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Categories of individuals covered by the system:

Subjects of OIG investigations relating to the programs and operations of the Federal Trade Commission. Subject individuals include, but are not limited to, current and former Commission employees; agents or employees of contractors or subcontractors, as well as contractors and subcontractors in their personal capacity, where applicable; and other individuals whose actions affect the Commission, its programs or operations. (Businesses, proprietorships, or corporations are not covered by this system.)

Categories of records in the system:

Correspondence relating to the investigation; internal staff memoranda; copies of subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation, and accompanying exhibits; documents, records, or copies obtained during the investigation; interview notes, investigative notes, staff working papers, draft materials, and other documents and records relating to the investigation; opening reports, progress reports, and closing reports; and other investigatory information or data relating to alleged or suspected criminal, civil, or administrative violations or similar wrongdoing by subject individuals.

Authority for maintenance of the system:

Inspector General Act Amendments of 1988, Pub. L. No. 100-504, amending the Inspector General Act of 1978, Pub. L. No. 95- 452, 5 U.S.C. app.

Purpose(s):

To document the conduct and outcome of investigations; to report results of investigations to other components of the Commission or other agencies and authorities for their use in evaluating their programs and imposition of criminal, civil, or administrative sanctions; to report the results of investigations to other agencies or other regulatory bodies for any action deemed appropriate,

and for retaining sufficient information to fulfill reporting requirements; and to maintain records related to the activities of the Office of the Inspector General.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b), and the disclosure provisions described in Appendix I of this notice, records or information in these records may be specifically disclosed pursuant to 5 U.S.C. 552a(b)(3) as follows, provided that no routine use specified either herein or in Appendix I shall be construed to limit or waive any other routine use:

(1) Disclosed to agencies, offices, or establishments of the executive, legislative, or judicial branches of the federal or state government

(a) Where such agency, office, or establishment has an interest in the individual for employment purposes, including a security clearance or determination as to access to classified information, and needs to evaluate the individual's qualifications, suitability, and loyalty to the United States Government, or

(b) Where such agency, office, or establishment conducts an investigation of the individual for the purposes of granting a security clearance, or for making a determination of qualifications, suitability, or loyalty to the United States Government, or access to classified information or restricted areas, or

(c) Where the records or information in those records are relevant and necessary to a decision with regard to the hiring or retention of an employee or disciplinary or other administrative action concerning an employee, or

(d) Where disclosure is requested in connection with the award of a contract or other determination relating to a government procurement, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter, including, but not limited to, disclosure to any Federal agency responsible for considering suspension or debarment actions where such record would be germane to a determination of the propriety or necessity of such action, or disclosure to the United States General Accounting Office, the General Services Administration Board of Contract Appeals, or any other Federal contract board of appeals in cases relating to an agency procurement;

(2) Disclosed to the Office of Personnel Management, the Office of Government Ethics, the Merit Systems Protection Board, the Office of the Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority or its General Counsel, of records or portions thereof relevant and necessary to carrying out their authorized functions, such as, but not limited to, rendering advice requested by the OIG, investigations of alleged or prohibited personnel practices (including unfair labor or discriminatory practices), appeals before official agencies, offices, panels or boards, and authorized studies or review of civil

service or merit systems or affirmative action programs;

(3) Disclosed to independent auditors or other private firms with which the Office of the Inspector General has contracted to carry out an independent audit or investigation, or to analyze, collate, aggregate or otherwise refine data collected in the system of records, subject to the requirement that such contractors shall maintain Privacy Act safeguards with respect to such records; and

(4) Disclosed to a direct recipient of federal funds such as a contractor, where such record reflects serious inadequacies with a recipient's personnel and disclosure of the record is for purposes of permitting a recipient to take corrective action beneficial to the Government.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The OIG Investigative Files consist of paper records maintained in file folders and data maintained on computer diskettes. The folders and diskettes are stored in file cabinets in the OIG.

Retrievability:

The records are retrieved by the name of the subject of the investigation or by a unique control number assigned to each investigation.

Safeguards:

Records are maintained in lockable metal file cabinets in lockable rooms. Access is restricted to individuals whose duties require access to the records. File cabinets and rooms are locked during non-duty hours.

Retention and disposal:

The OIG Investigative Files are kept indefinitely.

System manager and address:

Inspector General, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580.

Notification procedure; Record access procedure; and Contesting record procedure:

See Appendix II.

Record source categories:

Employees or other individuals on whom the record is maintained, non-target witnesses, Commission and non-Commission records to the extent necessary to carry out OIG investigations authorized by 5 U.S.C. app.

System exempted from certain provisions of the Act:

Pursuant to 5 *U.S.C. 552a(j)(2)*, records in this system are exempt from the provisions of 5 *U.S.C. 552a*, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and corresponding provisions of 16 CFR 4.13, to the extent the system of records relates in any way to the enforcement of criminal laws. Pursuant to 5 *U.S.C. 552a(k)(2)*, the system is exempt from 5 *U.S.C. 552a(c)(3)*, (d), (e)(1), (e)(4)(G), (H), and (I), and (f), and the corresponding provisions of 16 CFR 4.13, to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 *U.S.C. 552a(j)(2)*.